

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

CIRO CID ADAMES, #424352

V.

WARDEN FOSTER, ET AL.

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CIVIL ACTION NO. G-04-047


PARTIAL ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on April 25, 2005. Plaintiff has filed objections to the Report and Recommendation; however, the objections, even if true, fail to state a cognizable Section 1983 claim against the Defendants recommended for dismissal.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is **ORDERED** that all claims against all Defendants except Defendants Foster and Jackson are **DISMISSED** with prejudice for failure to state a claim for which relief can be granted and as frivolous.

This matter shall be returned to the Magistrate Judge for further screening of Eighth Amendment claims.

DONE at Galveston, Texas, this the 24th day of May, 2005.



Samuel B. Kent
United States District Judge